

REMARKS

Claims 1-30 are pending in the patent application.

The Obviousness Rejection

In paragraph 2 of the Official Action, claims 1-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Colonna et al. (U.S. Patent No. 6,115,620) in view of Jambhekar et al. (U.S. Patent No. 5,715,524).

Claim 1

Claim 1 is amended to recite an electronic device having a housing, a movable housing element, a sensor and a means for providing. The housing contains communications electronics, and responds to a movable housing element signal, for providing a communications signal to a communications system. The movable housing element is mounted movably on the housing, and responds to a contact force applied by a user, for providing a force position signal indicative of the position of the contact force in relation to at least one dimension of the movable housing element. The sensor provides a movable housing element position signal indicative of the position of the movable housing element in relation to the housing. The means for providing provides the movable housing element signal from the force position signal and the movable housing element position signal.

The whole thrust of the claimed invention is to provide a

communications signal based on a combination of the position of a force applied on a movable housing element and the position of the movable housing element itself.

To the extent that the obviousness rejection might be applied to independent claim 1, it is respectfully traversed because the proposed combination of Colonna et al. in view of Jambhekar et al. does not teach or suggest an electronics device that provides a communications signal based on the combination of the position of a force applied on a movable housing element and the position of the movable housing element itself, as claimed herein.

For example, Colonna et al. discloses a communications device 100 having a first housing element 202 hingeably attached to a second housing element 204 as shown in Figure 1. Figures 5-7 show a hinge assembly 214 adapted to provide a position signal containing information about the hinged position of the second housing element 204 in relation to the first housing element 202. Colonna et al. does not mention or suggest that the position of the contact force would be sensed, as was recognized in the reasoning in paragraph 2 of the Office Action.

Moreover, it is important to point out that the problem being solved in Colonna et al. is completely different from the problem being solved by the claimed invention. Colonna et al. is solving the problem of adjusting the volume of the speaker in the communications device according to the distance from the user's

ear. This is achieved by sensing the mode of the device from the position of the movable housing element, and adjusting the volume to be louder if the device is in the hands-free mode and softer if the device is in the private mode. It is respectfully submitted that, not only is there is no mention in Colonna et al. that the position of the contact force would be sensed, but there would be no need to sense the position of the contact force in order to solve the problem being addressed by Colonna et al. Nevertheless, the reasoning in paragraph 2 of the Office Action tries to make up for this void in Colonna et al. by looking to the teaching of Jambhekar et al..

Jambhekar et al. discloses a communications device 103 having a hinged housing element 109 with a touch sensitive keypad 125 and a switch 127 for providing an open and closed hinged position signal. According to Jambhekar et al., column 5, lines 3-5, the hinged housing element 109 may include a sliding type housing element, although no further specifics are provided, especially some suggestion about sensing the position of the contact force on such a moveable element, as claimed herein.

Further, the problem being solved in Jambhekar et al. is also completely different from the problem being solved by the claimed invention. Jambhekar et al. is trying to create a device operable in two modes. In a first mode, a certain set of functions is available, while in a second mode another set of functions is available. There is nothing disclosed of sensing

the position of the contact force on the moveable element in relation to the availability of these modes. It is respectfully submitted that contrary to what is suggested in the reasoning in paragraph 2 of the Office Action, the switch 127 and the switch activation device 129 certainly cannot provide information about the position of the contact force on the moveable element. Instead, they provide information about the position of the moveable element.

It is respectfully submitted that the reasoning in paragraph 2 of the Office Action fails to show obviousness by combining Colonna et al. and Jambhekar et al. In fact, the claimed invention cannot be obvious from these documents, because the reasoning in paragraph 2 of the Office Action has failed to show which components should be used and in which manner to obtain the claimed invention. To the contrary, the components proposed in the reasoning in paragraph 2 of the Office Action cannot be arranged to make up the claimed invention. Therefore, the reasoning in paragraph 2 of the Office Action has failed to point out the specific reference suggesting to one of ordinary skill in the art that these components should be picked to best solve the problem of the claimed invention. It is also respectfully submitted that the reasoning in paragraph 2 of the Office Action cannot use hindsight to deny the patentability of the claimed invention.

In conclusion, it is respectfully submitted that the

proposed combination of Colonna et al. and Jambhekar et al. does not teach or suggest the claimed invention, and is not obvious in view of the proposed combination because the problems that the cited references aim to solve are completely different from the problem being solved by the inventor. The argument of obviousness under 35 USC §103 in the reasoning in paragraph 2 of the Office Action is traversed because the cited references cannot suggest to one of ordinary skill in the art to make the claimed invention, since the cited references try to solve a totally different problem. The reasoning in paragraph 2 of the Office Action also does not point out why one of ordinary skill in the art would be motivated to pick, or selectively combine, the components from the cited references to come up with the claimed invention.

Claims 2-3 depend directly or indirectly from claim 1, contain all the limitations thereof, and are deemed patentable over the proposed combination for all the reasons discussed above.

Claim 4

Claim 4 is amended to recite a communications device having a main body communications circuit and a touch sensitive slide. The main body communications circuit responds to a touch sensitive slide signal, for providing a communications signal to a communications system. The touch sensitive slide responds to a

contact force applied by a user, for providing the touch sensitive slide signal indicative of the position of the contact force in relation to at least one dimension of the touch sensitive slide.

To the extent that the obviousness rejection might be applied to independent claim 4, it is respectfully traversed because the proposed combination of Colonna et al. and Jambhekar et al. does not suggest a communications device that provides a signal indicative of the position of the contact force in relation to at least one dimension of the touch sensitive slide, as claimed herein.

For reasons similar to those discussed above, neither Colonna et al. nor Jambhekar et al. suggests providing a signal indicative of the position of the contact force in relation to at least one dimension of the touch sensitive slide, as claimed herein. In view of this, it is respectfully submitted that the proposed combination thereof does not.

Furthermore, it is respectfully submitted that the reasoning in paragraph 2 of the Office Action fails to recognize that neither Colonna et al. nor Jambhekar et al. disclose a touch sensitive slide. The reasoning in paragraph 2 of the Office Action is merely relying on a main body housing element, radio circuitry, user interface, and a plurality of keys. However, these components are present in most communications devices, and have nothing to do with the whole gist of the claimed invention.

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Claims 5-30 depend directly or indirectly from claim 1, contain all the limitations thereof, and are deemed patentable over the proposed combination for all the reasons discussed above.

Conclusion

Reconsideration and early allowance of the claims is earnestly solicited.

Respectfully submitted,



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AMENDMENT TO CLAIMS WITH UNDERLINING AND BRACKETING

1. (Once amended) An electronic device, comprising:

a housing containing communications electronics, responsive to a movable housing element signal, for providing a communications signal to a communications system;

a movable housing element being mounted movably on the housing, responsive to a contact force applied by a user, for providing a force position signal indicative of [the movable housing element signal to the housing that contains information about] the position of the contact force in relation to at least one dimension of [applied by the user] the movable housing element;

a sensor, for providing a movable housing element position signal indicative of [as well as information about] the position of the movable housing element in relation to the housing; and

means for providing the movable housing element signal from the force position signal and the movable housing element position signal.

4. (Once amended) A communications device, comprising:

a main body communications circuit, responsive to a touch sensitive slide signal, for providing a communications signal to a communications system; and

a touch sensitive slide, responsive to a contact force applied by a user, for providing the touch sensitive slide signal indicative of the [containing information about a] position of the contact force in relation to at least one dimension of [applied by the user on] the touch sensitive slide.